



036^{#4}
Dkt. 55669-A-PCT-US/JPW/PJP

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of : Cy A. Stein
Serial No. : 09/753,169
Date Filed : January 2, 2001
For : OLIGONUCLEOTIDE INHIBITORS OF BCL-XL

1185 Avenue of the Americas
New York, N.Y. 10036
August 3, 2001

Assistant Commissioner for Patents
Washington, D.C. 20231

INFORMATION DISCLOSURE STATEMENT

Sir:

Pursuant to applicants' duty of disclosure, the information listed in the attached form PTO-1449 is brought to the attention of the Examiner.

It is respectfully requested that the information cited in annexed Form PTO-1449 be considered by the Examiner in connection with the above-identified patent application, and that such art be made of record in said application.

The information identified on the attached form PTO-1449 was cited by or submitted to the Patent Office in prior application Serial No. 09/109,614, filed July 2, 1998, which is relied upon for a filing date under 35 U.S.C. §120. Therefore, pursuant to 37 C.F.R. §1.98(d) copies of the information identified herein are not required.

Applicants also wish to bring to the Examiner's attention two applications that are continuations of the priority application,

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U.S. Serial No. 09/109,614 filed July 2, 1998. These two continuation applications, namely U.S. Serial No. 09/832,648, and U.S. Serial No. 09/832,633, both filed April 11, 2001, disclose and claim subject matter similar to that claimed herein. The two continuation applications were filed after it was discovered that persons other than applicant Cy A. Stein were co-inventors on some of the subject matter claimed in the priority application. One continuation, U.S. Serial No. 09/832,648, claims the subject matter from the priority application invented solely by Cy A. Stein, and the other continuation, U.S. Serial No. 09/832,633, claims the subject matter from the priority application jointly invented by Cy A. Stein, Paul Cossum, Robert Rando and Joshua Owjang. The priority application was abandoned in favor of the two continuation applications.

The inventorship of the subject matter claimed herein has also been recently reviewed, and it was determined that such subject matter was jointly invented by Cy A. Stein, Paul Cossum, Robert Rando and Joshua Owjang.

Applicant respectfully directs the Examiner's attention to a Preliminary Amendment, filed in each of these two continuation applications on April 11, 2001, which more fully discusses the inventorship of the subject matter claimed in the priority and continuation applications.

The filing of this Information Disclosure Statement is not an admission that the information cited herein is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

Because this Information Disclosure Statement is being submitted before the mailing of a first Office Action on the merits, no fee is believed to be due. However, in the event that a first Office

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Action on the merits has been mailed which has not yet reached applicant's attorney, or has not yet been connected to the file in applicant's attorney's office, applicant hereby requests for consideration of this Information Disclosure Statement, pursuant to 37 C.F.R. §1.97(c) and authorize the Office to Charge Deposit Account No. 03-3125 the amount of the petition fee in accordance with 37 C.F.R. §1.17(p). In the event that a Notice of Allowance has been mailed, applicant hereby petitions, pursuant to 37 C.F.R. §1.97(d), for consideration of this Information Disclosure Statement, and authorize the Office to charge Deposit Account No. 03-3125 the amount of the fee in accordance with 37 C.F.R. §1.17(i).

The Office is hereby authorized to charge any additional fees which may be required for consideration of this Information Disclosure Statement and to credit any overpayment to our Deposit Account No. 03-3125.

Early and favorable consideration of the case is respectfully requested.

Respectfully submitted,



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I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to:
Assistant Commissioner of Patents,
Washington, D.C. 20531.

 83-01
Peter J. Phillips Date
Reg. No. 29,691